

Serial No. 09/548,414

December 1, 2003

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and the Advisory Action dated July 22, 2003

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REMARKS/ARGUMENTS

Claims 1-3, 5, 9, 10, and 12-18 are pending in this Application.

Applicant greatly appreciates the Examiner indication that the Amendment dated June 30, 2003 overcomes the 35 U.S.C. § 112, second paragraph rejection of the Office Action dated December 31, 2002.

Claims 1-3, 9, 10, 12, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Cleeves (U.S. 6,004,874). Applicant respectfully traverses the rejection of claims 1-3, 9, 10, 12, and 16.

First, the Examiner is reminded that "[i]n order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." See In re Oetiker, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992) and MPEP § 2141.01(a).

Cleeves is directed to a semiconductor device, and more particularly, to interconnects that serve as contacts between regions of a semiconductor device (see lines 6-9 of column 1 of Cleeves). The present application is directed to a method of manufacturing an external force detection sensor (see lines 5-7 of page 1 of the originally filed Specification). Thus, Cleeves and the present application are clearly in different fields of endeavor. In addition, Cleeves fails to teach or suggest that the structure disclosed therein could or should be used in any field of endeavor other than in the semiconductor device field.

Cleeves is clearly directed to the problem of providing a simple process for making reliable connections between conductive material layers and/or local interconnects of a semiconductor substrate (see lines 14-17 of column 2 of Cleeves). The present application is directed to solving the problem of a notch or profile distortion formed in the side walls of external for detection sensor (see the last paragraph on

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page 5 of the originally filed Specification). Thus, Cleeves and the present application are clearly directed to solving different problems.

Thus, the Examiner has improperly relied upon Cleeves to reject Applicant's claimed invention.

Second, as argued in the previous Amendment dated June 30, 2003, the Examiner has failed to provide any evidence that the etching stop layer made of titanium can be removed. The Examiner has alleged in the fifth paragraph on page 2 of the Advisory Action dated July 22, 2003 that Cleeves is not relied upon to teach the removal of an etching stop layer made of titanium, and that AAPA is relied upon to allegedly teach this feature. However, AAPA clearly fails to teach or suggest that a titanium layer can be removed because AAPA fails to teach or suggest the use of a titanium etching stop layer, and thus, certainly fails to teach or suggest a step of removing an etching stop layer made of titanium.

The Examiner has alleged in the fifth paragraph on page 2 of the Advisory Action dated July 22, 2003 that Fig. 2 of Cleeves teaches the removal of the etching stop layer 214. However, the Examiner has clearly mischaracterized Fig. 2 of Cleeves because Fig. 2 of Cleeves clearly shows that layers 212, 206, and 208 are disposed on top of layer 214. Thus, as argued in the previous Amendment dated June 30, 2003, Cleeves clearly does not disclose or suggest removing layer 214 made of titanium.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2 and 16 under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Cleeves.

Accordingly, Applicant respectfully submits that AAPA and Cleeves, applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in claims 1, 2 and 16 of the present application. Claims 3, 5, 9, 10, 12-5, 17 and 18 depend upon claims 1, 2 and 16, and are therefore allowable for at least the reasons that claims 1, 2 and 16 are allowable.

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In view of the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: December 1, 2003


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